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Attorneys for Plaintiff and Counter-Defendant  
 COMMONWEALTH ANNUITY AND LIFE  
 INSURANCE COMPANY f/k/a ALLMERICA  
 FINANCIAL LIFE INSURANCE AND ANNUITY CO.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

COMMONWEALTH ANNUITY AND  
 LIFE INSURANCE COMPANY f/k/a  
 ALLMERICA FINANCIAL LIFE  
 INSURANCE AND ANNUITY CO.,

Plaintiff,

vs.

JOHN DALESSIO; RITA DALESSIO; and  
 the DALESSIO FAMILY 2003 TRUST,

Defendants.

JOHN DALESSIO; RITA DALESSIO and the  
 DALESSIO FAMILY (2003) TRUST,

Counter-Claimants,

vs.

COMMONWEALTH ANNUITY AND LIFE  
 INSURANCE COMPANY f/k/a ALLMERICA  
 FINANCIAL LIFE INSURANCE AND ANNUITY  
 COMPANY, a Delaware corporation; DAVID  
 SHANE, an individual; VAUGHN R. WALKER,  
 an individual; ANN SPARKMAN, an individual;  
 and DOES 1 through 20,

Counter-Defendants.

Case No. CV 08 1739 EDL

**CONSENT TO PROCEED  
 MAGISTRATE JUDGE**



1  
2  
3  
4 **PROOF OF SERVICE BY MAIL**

5 **Commonwealth Annuity, etc. vs. Dalessio, et al.**

6  
7 I declare that I am employed in the County of Marin, State of California. I  
8 am over eighteen years and not a party to the within cause; my business address is Shane  
9 & Taitz, 1000 Drakes Landing Road, Suite 200, 2<sup>nd</sup> Floor, Greenbrae, California 94904-3027.

10 On July 3, 2008, I served upon the interested party/parties hereto the  
11 within document, described as:

12 **Consent to Proceed Before**  
13 **A United States Magistrate Judge**

14 by enclosing said document in a sealed envelope at Greenbrae, California. I am readily  
15 familiar with the firm's practice of collection and processing of items for mailing. Under  
16 that practice, each item is deposited with the United States Postal Service on that same  
17 day with postage thereon fully prepaid at Greenbrae, California, during the ordinary  
18 course of business. I am aware that on motion of the party served, service is presumed  
19 invalid if the postal cancellation/meter date is more than one day after date of deposit for  
20 mailing in affidavit. The item mailed is addressed, as follows:

21 **Refer to Attached Service List**

22  
23 I declare under penalty of perjury of the laws of the State of California that  
24 the foregoing is true and correct.

25 This declaration was executed on July 3<sup>rd</sup>, 2008 at Greenbrae, California.

26 /s/ Molly B. Libbey  
27 Molly B. Libbey  
28

**SERVICE LIST**

**Commonwealth Annuity, etc. vs. Dalessio, et al.**

Defendants and Counter-Claimants

JOHN DALESSIO  
16 Via Las Encinas  
Carmel Valley, California 93924-9449

RITA DALESSIO  
16 Via Las Encinas  
Carmel Valley, California 93924-9449

DALESSIO FAMILY [2003] TRUST  
16 Via Las Encinas  
Carmel Valley, California 93924-9449